

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

NATIONAL RIFLE ASSOCIATION)
OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No. 1:18-cv-542-AJT/TCB
)
LOCKTON AFFINITY SERIES OF LOCKTON)
AFFINITY, LLC,)
)
and)
)
KANSAS CITY SERIES OF LOCKTON)
COMPANIES, LLC,)
)
Defendants.)

)

**STIPULATION OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

WHEREAS Plaintiff the National Rifle Association of America (“Plaintiff”), a New York not for profit corporation, filed a Complaint and Jury Demand (the “Complaint”) in this Court against Defendants Lockton Affinity Series of Lockton Affinity, LLC (“Lockton Affinity”) and Kansas City Series of Lockton Companies, LLC (“Lockton KC,” and collectively with Lockton Affinity, “Defendants”) on May 4, 2018; and

WHEREAS the Complaint alleged that this Court had subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a) because Plaintiff and Defendants were citizens of different States; however, on May 25, 2018, counsel for Defendants notified counsel for Plaintiff that at the time the Complaint was filed, one member of Lockton Affinity was a citizen of Virginia and another member was a citizen of New York, destroying complete diversity between the parties; and

WHEREAS, Defendants' counsel further informed Plaintiff on May 25, 2018, that, in the time since the Complaint had been filed, the membership composition of Lockton Affinity had changed, such that complete diversity would exist for purposes of 28 U.S.C. § 1332(a) if the lawsuit were re-filed; and

WHEREAS, counsel for Defendants and counsel for Plaintiff met and conferred on May 29, 2018, and agreed that, because Defendants could not waive subject-matter jurisdiction as measured at the time the Complaint was filed, in the interests of judicial economy the Complaint should be voluntarily dismissed and re-filed in this Court;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff the National Rifle Association of America and Defendants Lockton Affinity Series of Lockton Affinity, LLC and Kansas City Series of Lockton Companies, LLC, by and through their attorneys of record, that the Complaint shall be voluntarily dismissed pursuant to Fed. R. Civ. P. 41, without prejudice, as of May 29, 2018; AND IT IS FURTHER

STIPULATED AND AGREED that Plaintiff shall re-file its Complaint against the Defendants as a related matter in this Court and that the Complaint shall be deemed filed as of May 29, 2018; AND IT IS FURTHER

STIPULATED AND AGREED that the undersigned counsel for Defendants will appear on behalf of Defendants and accept service of the new, re-filed Complaint on behalf of the Defendants as of May 29, 2018; AND IT IS FURTHER

STIPULATED AND AGREED that the deadline for Defendants to answer or otherwise move regarding Plaintiff's re-filed Complaint shall be twenty-one (21) days from May 29, 2018 (on or before June 19, 2018).

Dated: May 29, 2018

So Ordered



Anthony J. Trenga
United States District Judge
05/30/2018

Respectfully submitted,

/s/ Robert H. Cox

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